

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ISMAIL N. SMITH,

Plaintiff,

v.

9:08-CV-1364

COMMISSIONER GOORD; C.O. MATRESE,
Correctional Officer, Coxsackie Correctional
Facility; RANZE, Coxsackie Correctional
Facility; BOGARDUS, Correctional Officer,
Coxsackie Correctional Facility; MICHAUD,
Correctional Officer, Coxsackie Correctional
Facility; NOETH, Coxsackie Correctional
Facility; JOHN DOE, Keeplock C.O., Coxsackie
Correctional Facility, from F-2 on 9/12/07; SPERRY,
Nurse, Coxsackie Correctional Facility; JOHN DOE,
Physical Therapist from 8/7/08, Coxsackie
Correctional Facility; JOHN DOE, Deputy
Commissioner of Programs, DOCS; JOHN DOE,
Deputy Commissioner of Facilities; MURZDA,
Correctional Officer, Coxsackie Correctional
Facility; McDERMOT, Lt., Coxsackie Correctional
Facility; RIVERA, Superintendent, Coxsackie
Correctional Facility; MONTUSELLO,¹ Deputy
Superintendent of Security; A. MTAMBU, Nurse

Defendants.

APPEARANCES:

ISMAIL N. SMITH
781 E. 135 St.
Bronx, NY 10454
Plaintiff, *pro se*

OF COUNSEL:

¹The correct spelling of Defendant Montusello's name appears to be "Martuscello." See Dkt. No. 48, Acknowledgment of Serv., dated Aug. 4, 2009. We shall refer to him using the correct spelling of his name.

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Attorney General for the State of New York
The Capitol
Albany, NY 12224
Attorney for Defendants

AARON M. BALDWIN, ESQ.
Assistant Attorney General

NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Randolph E. Treece, duly filed on the 9th day of August 2010. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

W Dated: August 30, 2010
Syracuse, New York



Norman A. Mordue
Chief United States District Court Judge